

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM M. LEONHAUSER

Plaintiffs,

v.

RONALD A. LONG, M.D., et al.

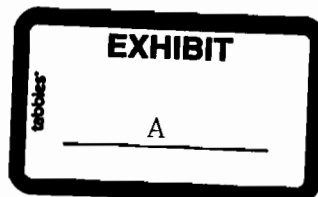
Defendants

:
: Civil Action No. 1:11-cv-0341
:
: Judge William W. Caldwell
:
: Magistrate Judge Mannion
:
: **Filed Via Electronic Case Filing**
:

DECLARATION OF LISA HOLLIBAUGH

I, Lisa Hollibaugh, hereby declare under penalty of perjury in accordance with 28 U.S.C. § 1746 that the following facts are true and correct based upon my personal knowledge or from my review of records routinely maintained during the operation of the Department of Corrections of the Commonwealth of Pennsylvania:

1. The Pennsylvania Department of Corrections currently employs me as a Corrections Superintendent's Assistant 2 ("CSA") at SCI-Smithfield.



2. As part of my responsibilities and duties as CSA, I am the custodian of records kept in the ordinary course and scope of business at SCI-Smithfield; I function as the litigation coordinator at SCI-Smithfield; and I am familiar with the Department of Corrections' Policies appearing in the Inmate Handbook and on its official website at www.cor.state.pa.us.

3. According to the DC-ADM 803 Procedures Manual, "Inmate Mail and Incoming Publications," "[u]pon written request, an indigent¹ inmate . . . shall be provided with stationery and a pen, and shall be able to anticipate the cost for postage to file papers necessary to the good faith pursuit of legal remedies."

¹ An "indigent inmate" is defined in the Glossary of Terms to the DC-ADM 803 as follows:

An inmate shall be deemed indigent if the combined balances of his/her facility account and any other accounts are \$10.00 or less at all times during the 30 days preceding the date on which the inmate submits a request to a person designated by the Facility Manager/designee. Any inmate who refuses available work/school although he/she is physically able and is not precluded from work/school by virtue of his/her housing status, is not indigent for the purposes of this policy and is not eligible for free stationery or to anticipate for postage. An inmate who is self-confined may also be considered as refusing available work although physically able as determined by the Program Review Committee (PRC). Any inmate who has funds in another account, which if deposited in his/her facility account would bring his/her balance to more than \$10.00, is not indigent. Any inmate who has not made a good faith effort to manage his/her money so as to be able to pay the necessary costs of litigation himself/herself is not indigent.

See DC-ADM 803, Section 1, C. True and correct copies of the DC-ADM 803 Policy and Procedures Manual are attached hereto as Exhibit "A-1."

4. The aforementioned request is to be submitted to the Facility Business Manager/designee. *Id.*, Section 1, C, 1, a.

5. Upon approval of the request, the inmate is to be provided free of charge a pen and a packet of 50 sheets of clean paper and five sheets of carbon paper. *Id.*, Section 1, C, 1, d.²

6. Furthermore, an indigent inmate "may anticipate on his/her account, postage for legal mail, to include Exhaustion of Grievance and copying charges of up to \$10.00 per month. Under no circumstances, shall the Business Manager/designee approve requests in excess of \$10.00 per month. An inmate is responsible for managing his/her funds and monthly postage allowance to meet his/her legal needs." *Id.*, Section 1, C, 2, a(1).

7. The Business Manager/designee is to respond to the request within five working days. *Id.*, Section 1, C, 2, a(2).

8. Regardless of whether he or she is indigent, all inmates are provided with ten (10) letter-sized envelopes and permitted to mail ten (10) one-ounce, first-class letters per month without cost. *Id.*, Section 1, A, 5.

² The inmate may submit a request for one more additional packet per month if the aforementioned quantity of paper or carbon paper is not sufficient. See DC-ADM 803, Section 1, C., 1, d(2)

9. I am not aware of anyone having informed William Leonhauser that he cannot mail anything out of the Institution without first having authorization from the "Administrative Assistant."

10. I am not aware of anyone having informed William Leonhauser that he is not permitted to serve any motions, petitions, or documents on any opposing party or their counsel.

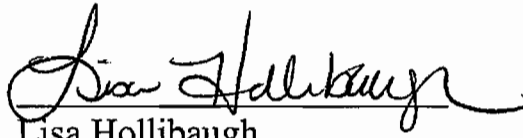
11. I am not aware of anyone having informed William Leonhauser that the Institution's Mailroom will not allow him to mail anything to the Court unless it is approved by SCI-Smithfield staff.

12. Attached hereto as Exhibit "A-2" is a DC-135A "Inmate's Request to Staff Member" from the file of William Leonhauser in which it is explained to him that, as of the date thereon, he only had \$0.62 left of the allotment of \$10.00 for the month of August. The cost to mail the envelope in question was more than \$0.62.

13. To the extent that Mr. Leonhauser seeks copies of his medical records, charges for copies of same are in accordance with Department Policy DC-ADM 003, "Release of Information." A true and correct copy of this Policy is attached as Exhibit "A-3."

14. Attached hereto as Exhibit "A-4" is a DC-135A "Inmate's Request to Staff Member" from the file of William Leonhauser regarding copies of his medical records.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lisa Hollibaugh".

Lisa Hollibaugh

Corrections Superintendent's Assistant 2
SCI-Smithfield

Date: September 15, 2011